

REMARKS

Status of Claims

Claims 1-9 were pending. Of these, claims 1, 2 and 8 had been withdrawn from consideration by the outstanding action, for being directed to non-elected subject matter. The remaining claims 3-7 and 9 had been rejected by the outstanding action.

This response cancels claims 1, 2 and 8 and adds new claims 10-12. (Claims 3-7 have been amended. Claim 7 which depended from claim 3 has been made independent.) Thus, claims 3-7, and 9-12 are now pending and under consideration.

Restriction and Election

The applicants affirm that they have made the elections as described in the outstanding action. The election is now without traverse.

Claims 3-7 have been amended in a manner which is believed to exclude non-elected subject matter. As claim 9 depends from claim 3 it is believed that it, too, is directed only to elected subject matter. New claims 10-12 are believed to be directed only to elected subject matter.

Claim Rejections Under 35 USC 102(b)

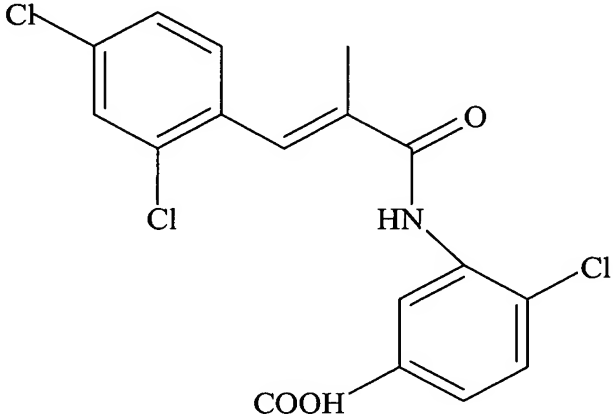
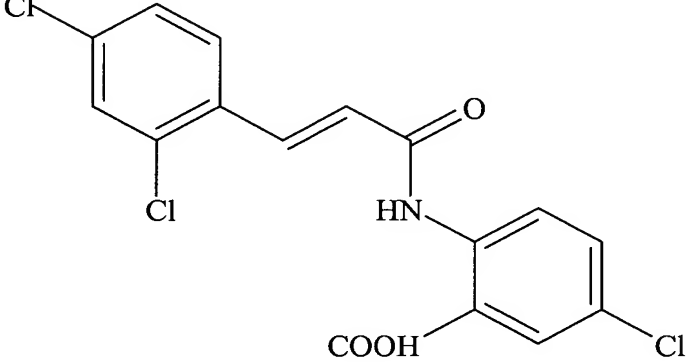
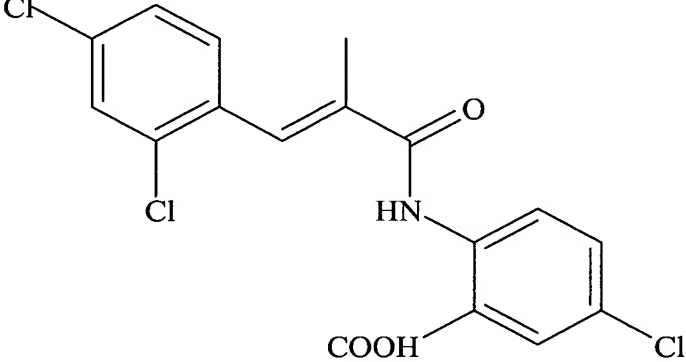
Claims 3-7 and 9 stand rejected under 35 USC 102(b) as being anticipated by Lennox et al. (WO 99/07669).

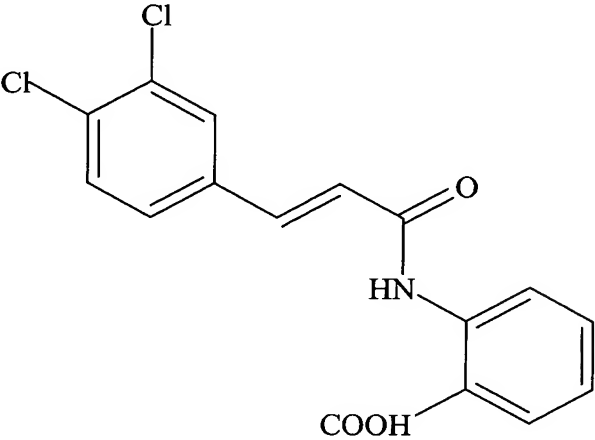
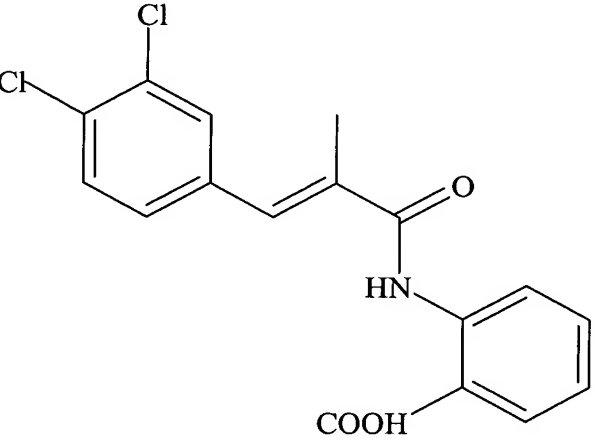
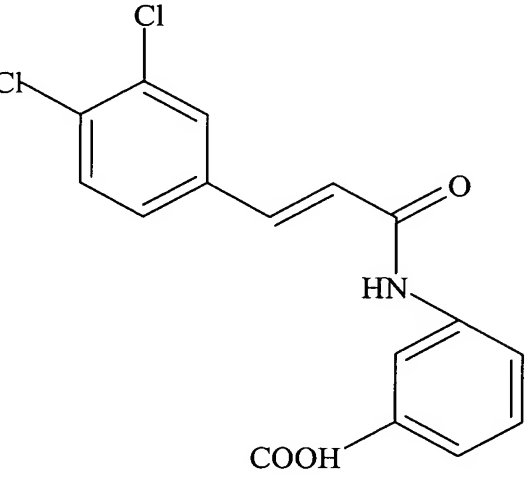
The basis for rejection of claims 3-7 and 9 is believed to be overcome by the amendments of claims 3-7 made herein.

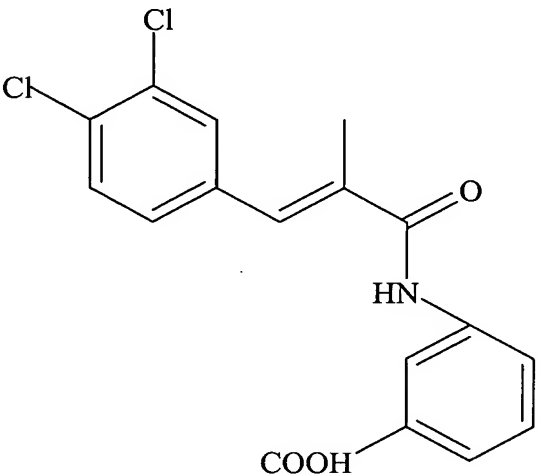
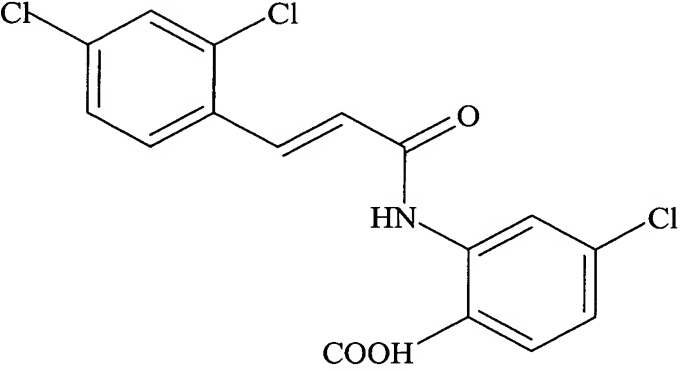
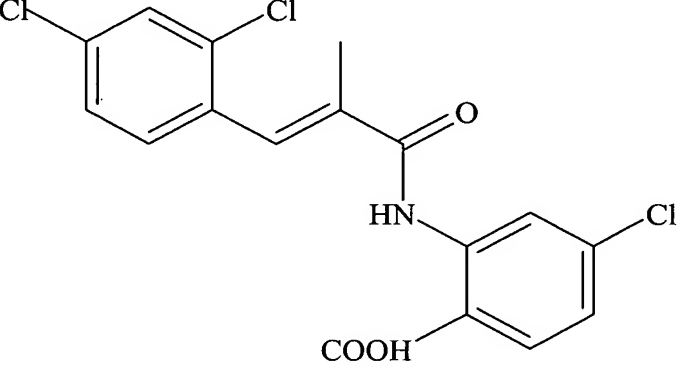
The action directs special attention to the compounds specifically disclosed by Lennox et al. (WO 99/07669) at page 13 lines 9-14 and 19-24. These are the compounds shown in the following table.

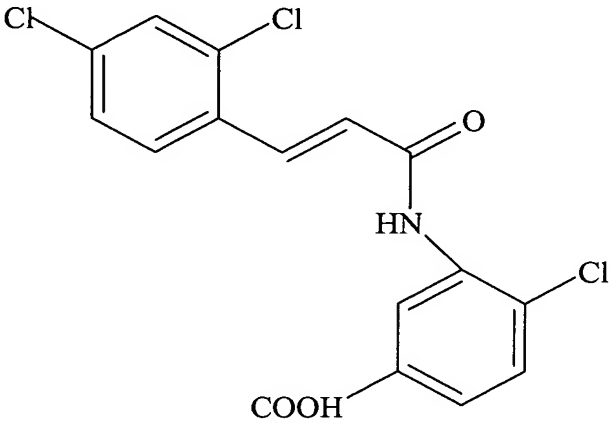
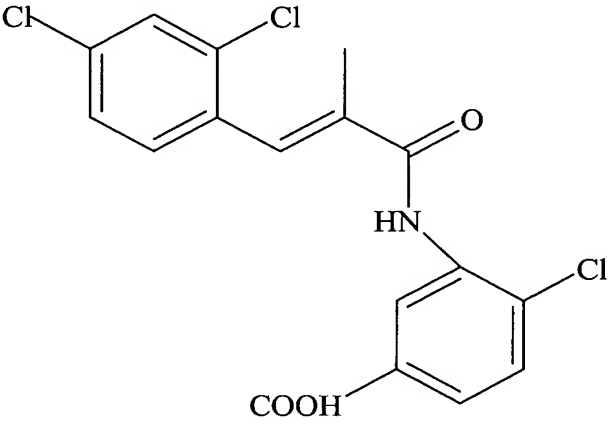
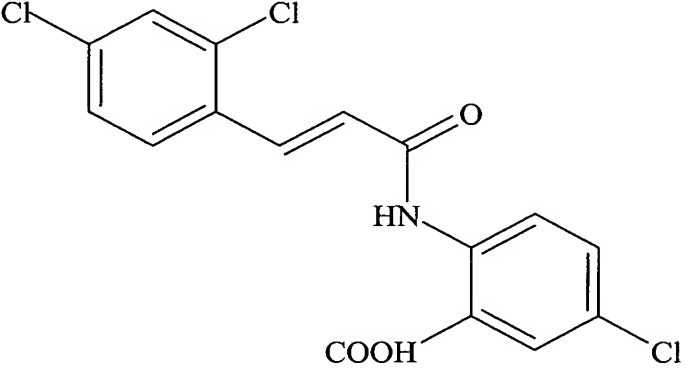
Compounds Described By WO 99/07669 at Page 13

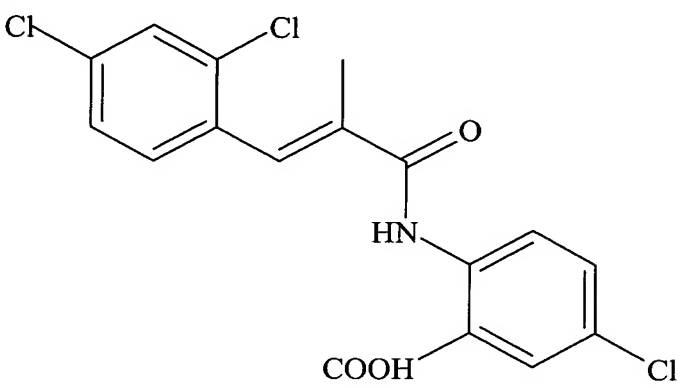
Line	Nomenclature	Structure
9	4-chloro-2-[3-(2,4-dichloro-phenyl)-acryloylamino]-benzoic acid	
10	4-chloro-2-[3-(2,4-dichloro-phenyl)-2-methyl-acryloylamino]-benzoic acid	
11	4-chloro-3-[3-(2,4-dichloro-phenyl)-acryloylamino]-benzoic acid	

12	4-chloro-3-[3-(2,4-dichloro-phenyl)-2-methyl-acryloylamino]-benzoic acid	
13	5-chloro-2-[3-(2,4-dichloro-phenyl)-acryloylamino]-benzoic acid	
14	5-chloro-2-[3-(2,4-dichloro-phenyl)-2-methyl-acryloylamino]-benzoic acid	

15	2-[3-(3,4-dichloro-phenyl)-acryloylamino]-benzoic acid	
16	2-[3-(3,4-dichloro-phenyl)-2-methyl-acryloylamino]-benzoic acid	
17	3-[3-(3,4-dichloro-phenyl)-acryloylamino]-benzoic acid	

18	3-[3-(3,4-dichloro-phenyl)-2-methyl-acryloylamino]-benzoic acid	
19	4-chloro-2-[3-(2,4-dichloro-phenyl)-acryloylamino]-benzoic acid	
20	4-chloro-2-[3-(2,4-dichloro-phenyl)—2-methyl-acryloylamino]-benzoic acid	

21	4-chloro-3-[3-(2,4-dichloro-phenyl)-acryloylamino]-benzoic acid	
22	4-chloro-3-[3-(2,4-dichloro-phenyl)—2-methyl-acryloylamino]-benzoic acid	
23	5-chloro-2-[3-(2,4-dichloro-phenyl)-acryloylamino]-benzoic acid	

24	5-chloro-2-[3-(2,4-dichloro-phenyl)-2-methyl-acryloylamino]-benzoic acid	
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Claims 3-7 as amended avoid anticipation because the definition of R₁ is has been limited to C₁₋₃-alkyl and now excludes H. It will be observed that in none of the above-listed compounds described by WO 99/07669 is the moiety corresponding to R₁ anything other than H.

It is urged that claim 9, as it depends from only claim 3, should be allowable to the extent that claim 3 is allowable.

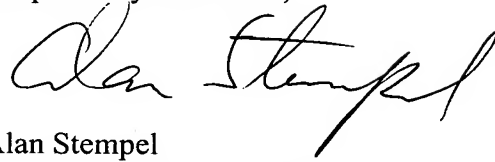
New Claims 10-12

New claim 10 is directed to a Markush group consisting of 24 specifically disclosed compounds. The compounds are those described by Examples 8, 10, 15, 16, 17, 20, 23, 26, 27, 38, 72, 77, 80, 81, 98, 116, 152, 155, 156, 157, 158, 159, 170 and 171. It is believed that all of these compounds fall within the scope of the election. New claims 11 and 12 are directed to the species described by Examples 16 and 17, respectively. It should be noted that the compounds of Examples 16 and 17 were also included in original claim 8, which has been cancelled.

Summary

It is urged that the claims as amended are allowable and that the application as a whole is now in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan Stempel". The signature is fluid and cursive, with the first name "Alan" and the last name "Stempel" clearly distinguishable.

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